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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
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13 ADRIAN MONGELI, Individually, And)
14 On Behalf Of All Others Similarly Situated,)

15 Plaintiff,)

16 vs.)

17 TERAYON COMMUNICATION)
18 SYSTEMS, INC., JERRY D. CHASE,)
19 RAY FRITZ, EDWARD LOPEZ, CAROL)
20 LUSTENADER, MATTHEW MILLER,)
21 ZAKI RAKIB, SHLOMO RAKIB, MARK)
22 A. RICHMAN, CHRISTOPHER)
23 SCHAEPE, MARK SLAVEN, LEWIS)
24 SOLOMON, HOWARD W. SPEAKS,)
25 ARTHUR T. TAYLOR, DAVID)
26 WOODROW, DOUG SABELLA and)
27 ERNST & YOUNG, LLP)

28 Defendants.

CIVIL DOCKET NO.: 06-CV-03936 CW

CLASS ACTION

**ORDER APPROVING AWARD OF
ATTORNEYS' FEES AND EXPENSES
AND PLAN OF ALLOCATION**

Date: September 18, 2008

Time: 2:00 p.m.

Courtroom: 2

Judge: Hon. Claudia A. Wilken

1 THIS MATTER having come before the Court on Lead Plaintiff's application for approval
2 of the award of attorneys' fees and expenses and the Plan of Allocation; the Court having
3 considered all papers filed and proceedings, and otherwise being fully informed and good cause
4 appearing;

5 IT IS HEREBY ORDERED that:

6 1. For purposes of this Order, the terms used herein shall have the same meanings set
7 forth in the Stipulation of Settlement dated as of February 19, 2008 ("Stipulation").

8 2. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil
9 Procedure, the Court finds and concludes that due and adequate notice was directed to all Persons
10 and entities who are Class Members advising them that Lead Counsel would seek an award of
11 attorneys' fees of 33⅓ percent of the settlement fund and expenses no greater than \$100,000, and
12 their right to object. A full and fair opportunity was given to all Persons and entities who are Class
13 Members to be heard with respect to the application for the award of attorneys' fees and expenses.
14 The Court finds and concludes that the requested fee award is reasonable and awards attorneys' fees
15 of 33⅓ percent of the settlement fund, with interest, and expenses totaling \$44,821.88.

16 3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil
17 Procedure, the Court finds and concludes that due and adequate notice was directed to all Persons
18 and entities who are Class Members advising them that Lead Plaintiff would seek reimbursement of
19 time and expenses. A full and fair opportunity was given to all Persons and entities who are Class
20 Members to be heard with respect to Lead Plaintiff's application for the reimbursement of time and
21 expenses. The Court finds and concludes that the requested reimbursement for time and expenses is
22 reasonable and awards Lead Plaintiff \$2,341.67.

23 4. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil
24 Procedure, the Court finds and concludes that due and adequate notice was directed to all Persons
25 and entities who are Class Members advising them of the Plan of Allocation and of their right to
26 object, and a full and fair opportunity was given to all Persons and entities who are Class Members
27 to be heard with respect to the Plan of Allocation. The Court finds that the formula for the
28 calculation of the claims of Authorized Claimants which is set forth in the Notice of Pendency and

1 Proposed Settlement of Class Action sent to Class Members, provides a fair and reasonable basis
2 upon which to allocate the proceeds of the Settlement Fund established by the Stipulation among
3 Class Members, with due consideration having been given to administrative convenience and
4 necessity. The Court hereby finds and concludes that the Plan of Allocation set forth in the Notice
5 is in all respects fair and reasonable and the Court hereby approves the Plan of Allocation.

6
7 IT IS SO ORDERED:

8 DATED: _____

9 THE HONORABLE CLAUDIA A. WILKEN
UNITED STATES DISTRICT JUDGE

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11 Submitted by:

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